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10/809,177	03/25/2004	Philippe G. Joffrain	5150-82500	7752

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EXAMINER
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ULRICH, NICHOLAS S

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2173

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/809,177	Applicant(s) JOFFRAIN ET AL.	
	Examiner Nicholas S. Ulrich	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 24-26 is/are rejected.
- 7) ☐ Claim(s) 14-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/03/2005, 2/09/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-26 are pending
2. The information disclosure statement (IDS) submitted on 2/09/2005 and 3/03/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Drawings***

3. Figure 1A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-8 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al. (US 5748881).

In regard to claim 1, Lewis discloses a memory medium which stores program instructions for displaying signals, wherein the program instructions are executable to implement:

receiving first user input requesting display of a first signal (*Column 6 lines 39-44: object selected*);

programmatically analyzing the first signal in response to the first user input (*Column 6 lines 46-50: ascertains object type*);

programmatically determining a display tool operable to display the first signal based on said analyzing (*Column 6 lines 50-66: results contain data which includes a display indicator*);

and displaying the first signal in the display tool (*Column 6 lines 64-66 and Column 4 line 23*).

In regard to claim 2, Lewis discloses

displaying a Graphical User Interface (GUI) (*Figs 5 and 6*);  
wherein said receiving first user input comprises receiving said first user input to the GUI (*Column 6 lines 39-44: object selected*);  
and wherein said displaying the first signal in the display tool comprises displaying the first signal in the GUI (*Column 6 lines 64-66 and Column 4 line 23*).

In regard to claim 3, Lewis discloses wherein the GUI is comprised in a signal analysis function development environment (*Fig 3 element 44*).

In regard to claim 4, Lewis discloses wherein the first signal comprises signal data (*Column 6 lines 50-53: tabular data*).

In regard to claim 5, Lewis discloses wherein the signal data comprise signal plot data, and wherein the display tool comprises a graph (*Column 6 lines 53-56 and Figure 5*).

In regard to claim 6, Lewis discloses wherein the signal data comprise tabular data, and wherein the display tool comprises a table (*Column 6 lines 50-53: tabular data*).

In regard to claim 7, Lewis discloses wherein the display tool comprises an indicator operable to display the signal data (*Column 6 line 61: display indicator*).

In regard to claim 8, Lewis discloses wherein said programmatically analyzing the first signal in response to said first user input comprises:

- determine a data type of the signal (*Column 6 lines 46-50*);
- and wherein said programmatically determining a display tool operable to display the first signal based on said analyzing comprises:
  - programmatically determining the display tool based on the determined data type (*Column 6 lines 50-66*).

In regard to claim 24, method claim 24 corresponds generally to memory medium claim 1, and recites similar features in method form, and therefore is rejected under the same rationale.

In regard to claims 25 and 26, system claims 25 and 26 correspond generally to memory medium claim 1, and recite similar features in system form, and therefore are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 5748881), in view of Richards et al. (US 5499373).

In regards to claim 9, while Lewis teaches determining a display tool, they fail to show the table look up based on determined data type as recited in the claims. Richards teaches displaying data similar to that of Lewis. In addition, Richards further teaches a look up table to determine display tool (*Column 22 lines 28-37*). It would have been obvious to one of ordinary skill in the art, having the teachings of Lewis and Richards before him at the time the invention was made, to modify the determining a display tool taught by Lewis to include the table lookup of Richards, in order to obtain determining a display tool using a table look up based on determined data type. One would have been motivated to make such a combination because the display needs to be directed to the correct components to display the data type correctly as taught by Richards.

In regard to claims 12 and 13, while Lewis teaches determining a display tool, they fail to show user defined data and user defined display tool. Richards teaches displaying data similar to that of Lewis. In addition, Richards further teaches user defined data and user defined display tools (*Column 2 lines 1-6*). It would have been obvious to one of ordinary skill in the art, having the teachings of Lewis and Richards before him at the time the invention was made, to include the user defined data and user defined display tool of Richards. One would have been motivated to make such a combination because it would give the user more flexibility when analyzing various collections of data.

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 5748881).

In regard to claims 10 and 11, although Lewis et al. disclose data, they do not explicitly mention the use of time-domain, frequency domain, spatial domain, integer, floating point, and Boolean data types. It is notoriously well known in the state of the art, though, that data types can take the form of time-domain, frequency domain, spatial domain, integer, floating point, and Boolean. The examiner takes official notice of this teaching. It would have been obvious to one of ordinary skill in the art, having the teachings of Lewis et al. before him, to modify the data of Lewis et al. to include time-domain, frequency domain, spatial domain, integer, floating point, and Boolean data types in order to represent data in a plurality of types, as made known in the state of the art.



***Allowable Subject Matter***

7. Claims 14-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Reasons for Allowance***

8. Claims 14, 17, and 23 are directed to *displaying a default display tool, determining if data type is compatible with default display tool, and determining a replacement display tool if the data is not compatible with default display tool*. The prior arts of record fail to disclose *default display tools* and also *determining replacement display tools*. It is worth mentioning that Lewis does disclose determining a display tool based on data type. However, Lewis does not discuss the use of default display tools and determining replacement display tools.

Also, Richard fails to disclose determining display tools. In Richards invention, the user is directed to select a particular display tool for a selected data type.

Claims 15, 16, 18, 19, and 20 are allowable for being dependent on claims 14, 17, and 23 respectively.

9. Claim 21 is directed to *displaying a plurality of display tools and determining if data type is compatible with plurality of display tools, and determining a replacement display tool if the data is not compatible with plurality of display tools*. The prior arts of record fail to disclose *displaying a plurality of display tools* and also *determining*

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*replacement display tools*. It is worth mentioning that Lewis does disclose determining a display tool based on data type as discussed in rejections of the independent claims of the present invention. However, Lewis does not discuss the use of default display tools and determining replacement display tools.

Also, Richard fails to disclose determining display tools. In Richards invention, the user is directed to select a particular display tool for a selected data type.

Claim 22 is allowable for being dependent on claim 21.

### ***Conclusion***

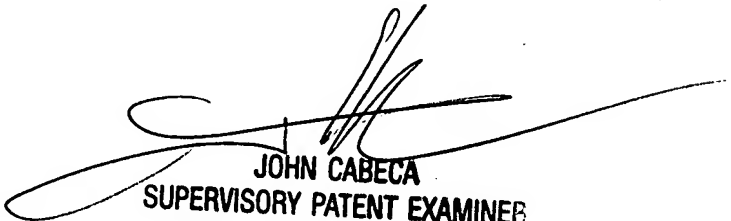
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/11/2003  
2173



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